

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency)
Calling Systems)

CC Docket No. 94-102

To: Chief, Wireless Telecommunications Bureau

QUARTERLY UPDATE TO REQUEST FOR WAIVER OF SECTION 20.18

DiGiPH PCS, Inc. ("DiGiPH"), by its attorneys, hereby files a quarterly update to its request for rule waiver ("Waiver") of Section 20.18 of the Commission's Rules, pursuant to the FCC's Order released on November 13, 1998.¹ On December 4, 1998, DiGiPH filed for a waiver of Section 20.18 the Commission's rules regarding the transmission of 911 calls made from TTY devices using digital wireless systems on the basis that compliant subscriber equipment is not currently commercially available. The Commission granted DiGiPH a temporary waiver of Section 20.18, effective January 1, 1999.² In order to maintain its Waiver, DiGiPH must file quarterly updates to show what advances have been made in the development of commercially available equipment. In support thereof, the following is respectfully shown:

¹In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, rel. Nov. 13, 1998 ("Order I").

²In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, rel. Dec. 31, 1998 ("Order II").

To form the basis of its Waiver, DiGiPH requested that its infrastructure equipment vendor provide responses to all information set forth in Order I to meet the December 4, 1998 waiver deadline. As discussed in DiGiPH's original Waiver, DiGiPH respectfully submits that its network is capable today of meeting the requirements of Section 20.18 of the rules. As its infrastructure provider, Siemens, explains, it is only the lack of a handset interface device which precludes fully compliant service over DiGiPH's Siemens infrastructure at this time. Siemens explains that the GSM North America group is aware of this subscriber equipment issue and has formed a working group amongst the terminal vendors and operators headed by Karl Warfel of BellSouth DCS, to help resolve it. In light of the foregoing, it is respectfully submitted that DiGiPH, having met its obligations as a Commission licensee to deploy a network capable of providing the *service* required by Section 20.18 of the Commission's rules, should have its waiver of Section 20.18 extended until such time as the requisite subscriber equipment is commercially available.

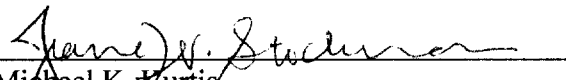
As the FCC is aware and as discussed in DiGiPH's original Waiver and Exhibit A hereto, compliant *subscriber* equipment is not commercially available from handset equipment vendors to permit DiGiPH to offer TTY access to E911 services over its digital wireless network notwithstanding the fact that DiGiPH's GSM network is, according to its infrastructure vendor, fully capable of supporting such devices at this time. By installing a TTY-compliant network, DiGiPH respectfully submits that, as a Commission licensee, it has taken all steps of which it is presently capable to comply with the requirements of Section 20.18. Additionally, DiGiPH commits to make the requisite subscriber interface devices available to subscribers through its retail outlets once those devices are commercially available. Because it is impossible for DiGiPH to comply with the requirements of Section 20.18 at this time, DiGiPH respectfully requests that the Commission extend

its waiver of that rule.

In accordance with the terms of Order I,³ DiGiPH will continue to update the requested information from its equipment vendor regarding progress on developing compliant subscriber equipment and submit such updates to extend this waiver request on a quarterly basis.⁴ As soon as compliant subscriber equipment is commercially available from its equipment vendor, DiGiPH intends to comply with Section 20.18 of the Commission's rules.

Respectfully submitted,

DiGiPH PCS, Inc.


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Its Attorneys

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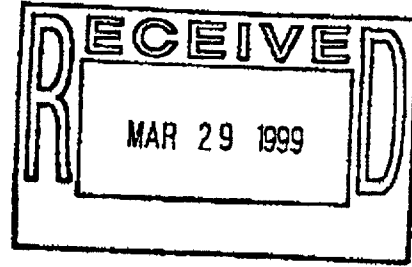
Dated: March 31, 1999

³In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, rel. Nov. 13, 1998 ("Order").

⁴Should the Commission desire to review technical information from DiGiPH's various subscriber equipment vendors, DiGiPH would be happy to provide such information upon the Commission's request.

EXHIBIT A

SIEMENS



March 29, 1999

Mr. Dennis Kaiser
President and CEO
DigiPH PCS
851 South Beltline Highway, Suite 804
Mobile, AL 36606

Re: Compliance with FCC Requirements to Provide 911 TTY Access Over Digital Networks

Dear Mr. Kaiser:

Enclosed is the Siemens response to the DigiPH PCS questions as outlined in your letter to Mr. Roy Gunter dated March 25, 1999.

The Siemens infrastructure equipment provided to DigiPH PCS is capable, in its current form, of supporting the TTY devices, as required by the FCC. The TTY device's interface to the network is a traditional voice call and thus is transparent to the GSM infrastructure equipment. The interface between the handset and TTY devices must be standardized for the TTY user to connect their handset to the TTY device. In fact, the GSM North America group is aware of this issue and has formed a working group amongst the terminal vendors and operators headed by Karl Warfel of BellSouth DCS, to help resolve this interface issue.

Please contact me at (561)-955-8291 if you need additional information.

Sincerely,

G. Irizarry
Business Manager, Wireless

Siemens Information and Communication Networks, Inc.

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Boca Raton, Florida 33487

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DIGIPH PCS

851 S. Beltline Highway
Suite 804
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Dennis Kaiser
President & CEO

March 25, 1999

Mr. Roy Gunter
Siemens
900 Broken Sound Parkway
Boca Raton, FL 33487

Re: Compliance with FCC Requirements to Provide 911 TTY Access Over Digital Networks

Dear Mr. Gunter:

As you are aware, Digiph currently utilizes your Company's GSM infrastructure equipment to provide digital PCS service throughout its licensed service area.

Section 20.18 of the Federal Communication Commission's ("FCC" or "Commission") rules requires non-discriminatory access to state and local government services such as 911 for people with speech or hearing disabilities. Specifically, the Commission's rules require that all licensees provide TTY access to 911 services over cellular, PCS and certain SMR networks. Until now, the FCC has not enforced this requirement with respect to carriers operating in the digital format. We understand that this forbearance has been based upon the recognition by the FCC that none of the current digital protocols (TDMA, CDMA, iDEN or GSM) are capable of passing TTY data with an acceptable error rate.

Pursuant to the requirements under which Digiph sought its initial waiver request, Digiph must file submissions every three months, beginning on the date of the waiver grant, indicating the progress being made towards implementation of TTY/digital capability. In accordance with this FCC requirement to file quarterly progress reports, we therefore ask that you provide us with an update of the projected timetable regarding availability of the requisite infrastructure equipment to enable the system which we presently have operating to be fully compliant. In addition, we ask that you provide us with a formal quote for that upgrade as soon as it is has completed any requisite FCC type acceptance procedures and becomes commercially available. In addition, we ask that you provide us with the names of any alternate system suppliers which might provide this functionality on an ancillary basis, with equipment that is capable of interfacing with the infrastructure equipment which you have provided.

Roy Gunter, Siemens
March 25, 1999
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Until such time as you can provide us with the requisite infrastructure upgrades to enable us to fully comply with the requirements of Section 20.18, we will continue to request information from you on a quarterly basis in order to sustain Digiph's waiver.

As previously noted, the FCC is requiring certain technical information to be included in the waiver submission in order for it to continue to receive favorable consideration. Most of the information sought by the FCC appears to pertain to equipment vendors' ability to supply digital wireless licensees with compliant equipment. Accordingly, in addition to the information requested above, we ask that you provide us with specific responses to the items presented below. Digiph intends to submit a copy of your response to the FCC in support of Digiph's request to sustain a waiver on March 31, 1999. Therefore, if any of the information which you provide in response to any item set forth below is confidential and therefore subject to the non-disclosure provisions of our Supply Agreement, we ask that you submit a formal answer to each item with such specificity which you would allow to be disclosed publicly to the FCC and provide a detailed response (stamped as confidential) as an attachment to your written response to this letter. Because of the FCC's March 31, 1999, deadline for carriers to supplement waivers, we must ask that your written response to this letter be forwarded in sufficient time to ensure its receipt by Digiph by no later than March 29, 1999.

Questions:

- A. Is the infrastructure equipment which you provided to Digiph and Digiph is presently operating, capable in its current form or with presently commercially available upgrades, of providing full support and access to TTY devices to ensure reliable access to 911 services by persons utilizing such TTY devices sufficient to enable Digiph to fully comply with the requirements of Section 20.18 of the FCC's rules? If so, please provide a formal quote and pricing information in accordance with the terms and conditions of our Equipment Supply Agreement. If not, please provide answers to the remaining questions.
- B. What steps is Siemens taking or intending to take to provide carriers utilizing its infrastructure equipment with the ability to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless systems in compliance with Section 20.18 of the rules?
- C. When do you intend to make this capability available to your infrastructure users to enable them to provide full Section 20.18 compliant service to TTY users? This information should include well-documented timetables and milestones regarding the implementation of this capability.

- D. What reasonable steps are you taking to address the consumer concerns listed below? Where the requested capability is network independent, i.e., your infrastructure equipment could provide that capability now to a common TTY device deployed within the past ten years, please so indicate. Where the system cannot provide that capability to a properly functioning common TTY device deployed within the past 10 years, please indicate whether the item requested is technologically feasible with modification to the infrastructure equipment and, if so, an approximate timeframe for implementation of that capability.

Consumer Concerns:

1. That the character error rate should approximate that of AMPS, which has been demonstrated at <1% for stationary calls.
2. That the TTY caller be able to visually monitor all aspects of call progress provided to voice users. Specifically, the ability to pass through sounds on the line to the TTY (so that the user can monitor ring, busy, answered-in-voice, etc.) should be provided.
3. That there be a visual indication when the call has been disconnected.
4. That volume control capability should be provided.
5. That the TTY user must have a means of tactile (vibrating) ring signal indication.
6. That the caller must be able to transmit TTY tones independent of the condition of the receiving modem. (This is to permit baudot signaling by pressing a key, to let a hearing person know that the incoming call is from a TTY).
7. That the *landline* party's TTY must not require retrofitting in order to achieve the desired error rate.
8. That the *wireless* party's TTY may require retrofitting, or a new model TTY to be developed, or the use of a portable data terminal such as a personal digital assistant.
9. That VCO and HCO should be supported where possible.
10. That reduction of throughput (partial rate) on Baudot is highly undesirable and should not be relied upon to achieve compliance (See #7). It may be useful as a user-selectable option to improve accuracy on a given call.

Roy Gunter, Siemens

March 25, 1999

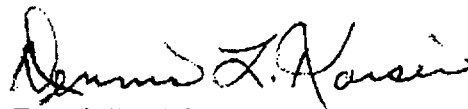
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11. That call information such as ANI and ALI, where provided in wireless voice, should also be provided for TTY calls.
12. That the solution need not support seldom little-used or obsolete TTY models, but in general should support the embedded base of TTYs sold over the past ten years. The landline equipment supported must not be limited to that used in Public Service Answering Points (911 centers).
13. That drive conditions must be supported, again using AMPS as a benchmark.

It is Digiph's understanding that each and every consumer item addressed above is available today in an AMPS environment. If you have responded that any of the items identified above are not technically feasible with the digital protocol which Digiph has deployed with your infrastructure equipment, please provide sufficient technical detail to enable Digiph to properly explain that limitation to the FCC. Also, please identify whether that limitation is inherent to your company's infrastructure equipment or an inherent limitation in the digital protocol.

Should you have any questions with respect to this matter. Please do not hesitate to contact me. Your prompt attention to this matter would be sincerely appreciated.

Very truly yours,



Dennis L. Kaiser
President & CEO